

ACT 489

AN ACT to Provide for the Creation and Establishment Within the Department of Education of the Arkansas State Library, and for the Appointment of a State Librarian; to Create a State Library Board; for Transfer to the State Library and the State Library Board All the Powers, Functions, and Duties of the Arkansas Library Commission; and for Other Purposes.

Be It Enacted by the General Assembly of the State of Arkansas :

SECTION 1. There is hereby created and established within the Department of Education a division to be known as the Arkansas State Library, which shall function within the Department of Education in the same manner as provided by agencies transferred to the principal department of government being a 'type one transfer' under the provisions of Section 1 of Act 38 of 1971, and which shall be adequately funded and properly housed in a designated building at the seat of State Government. The Arkansas State Library shall be headed by a State Librarian, to be appointed by the State Library Board, and shall serve for such time and for such terms as the State Library Board may prescribe. The State Librarian shall be a person of good professional standing and reputation, holding at least a Master's Degree from an American Library Association accredited graduate school of Library Science, and shall have had experience in library administration in academic, public, school, and/or special libraries. The State Librarian shall serve as executive secretary of the State Library Board, but without a vote thereon, and shall attend all of the Board meetings and keep records thereof. The State Librarian shall have charge of the work of the State Library, and shall perform such other duties as the State Library Board may prescribe. On the effective date of this Act, the Executive Secretary and Librarian of the Arkansas Library Commission shall become the State Librarian.

(b) The members of the Board shall be appointed by the Governor for reason of their interest in libraries and statewide library development.

(c) The Arkansas Library Commission is hereby abolished, and not less than four (4) of the members serving on the Library Commission on the effective date of this Act shall be appointed by the Governor to serve on the Board first appointed under the provisions of this Act. The Governor shall designate the term that each of the seven original members of the Board shall serve so that there will be staggered terms of one, two, three, four, five, six, and seven years, and so that the term of one of the members of such Board shall expire each year. After the selection of the initial Board and the designation of their respective terms by the Governor, all successor members appointed to the Board shall serve terms of seven years and until their successors are appointed and qualified, provided, that vacancies occurring on the Board due to death, resignation, or other reason shall be filled by appointment of the Governor for the remainder of the unexpired portion of the term in the same manner as for the initial appointment.

(d) Members of the Board shall receive per diem at the rate of Forty-five Dollars (\$45.00) per day in attending Board meetings or in performing other services required of members in their official capacity as a member of said Board, and in addition thereto, shall be entitled to mileage at the rate provided by law for official travel of State employees for each mile in traveling from their place of residence to meetings of the Board and return, or in attending to other authorized business of the Board.

SECTION 3. The Board shall meet at such place or places and shall keep such records as it may deem to be appropriate. The Board shall select annually a Chairman and such other officers as it deems necessary, and shall adopt policies and bylaws governing its meetings, the conduct of its business, and the business of the State Library. A majority of its members shall constitute a quorum for the transaction of business, and all business transacted by the Board shall be by majority vote of its members.

SECTION 4. The State Library shall, within the limitations of facilities and funds provided therefor:

- (1) acquire by purchase, exchange, gift, grant, or donation, books and other library materials, and catalog and maintain the same and make the same available for reference and research use of the public, the public officials and employees of this State and its political subdivisions under such rules and regulations established by the Board as may be reasonably necessary to govern the use and preservation thereof ;
- (2) establish and maintain a collection of books and library materials of and pertaining to Arkansas, its people, resources and history, and maintain the same as a separate section within the State Library;
- (3) assist communities, libraries, schools, colleges, universities, study and civic clubs and groups, charitable and penal institutions, State agencies and departments, county and municipal governments, and any other institutions, agencies and individuals with books, information, library materials and services as needed;
- (4) direct the establishment and development of county and regional library systems and programs, devise and implement a certification plan for public librarians, and assist in the design and building of public library facilities;
- (5) conduct courses of library instruction, hold library institutes in various parts of the State and encourage the recruitment and training of library personnel in any suitable manner ;
- (6) cooperate with the Department of Education and the Department of Higher Education in devising plans for the development of libraries, in aiding librarians in their administration, in certification policies, and in formulating rules and regulations for their use;
- (7) receive gifts of library materials, money and property, both real and personal, to be held in trust, subject to the terms of donation for purposes of this Act;
- (8) shall be the official State Library agency designated to administer State and federal programs of aid to libraries and undertake such other activities and services as will further statewide development of libraries and library systems through interlibrary, interagency, and interstate cooperation to secure efficient, effective library service for all Arkansans;
- (9) cooperate with the various officers, departments, and agencies of State government in pooling and sharing library materials and programs to the end that duplication of such services and facilities shall be minimized and maximum utilization may be made of the library

services and resources of this State; in furtherance of which the State Library may enter into contracts or agreements with State officers, departments, and agencies for the providing of special library services where needed, and under the terms of such contract or agreement may provide for the method of financing special costs incurred by the State Library in furnishing and maintaining such special library services;

(10) operate and maintain a collection of multimedia materials to complement book collections, and establish reasonable rules and regulations for the use and preservation thereof ;

(11) provide specialized services to the blind and physically handicapped under a cooperative plan with the Library of Congress, National Library Service for the blind and physically handicapped; and

(12) perform all other functions and services that are common to the purposes and objectives of a State Library.

SECTION 5. The State Library, acting through the Board, is hereby authorized to enter into necessary agreements with the Arkansas History Commission with respect to an overall plan and design to assure that the functions and materials of the State Library and the History Commission may be convenient to the public and public officials of this State, and to its political subdivisions, and that unnecessary duplication of services and facilities be minimized. In addition, the State Library is authorized to enter into contracts and agreements with the Secretary of State for the custody, storage, cataloging, or display of any books, records, documents, or other papers in the custody of the Secretary of State, in the State Library or State Archives, under such terms and conditions as may be mutually agreed to by the parties, and to accept custody and control over any books, records, and documents which the Secretary of State is now required by law to keep or maintain in his official files or volumes, if the Secretary of State shall: (1) determine that such records could be properly cataloged, stored, and preserved in the State Library or State Archives, and (2) the Governor agrees in writing for the transfer of the books, records, and documents from the office of the Secretary of State to the State Library or State Archives, in accordance with the terms of the agreement made in writing signed by the Secretary of State and the State Librarian or the State Historian for the custody, cataloging, preservation, and care of such records.

SECTION 6. The State Library shall cooperate with the public and private libraries in the State of Arkansas, and may enter into necessary agreements with libraries in other states and the Library of Congress for the sharing of library books, documents, facilities or services under such terms and conditions as the State Library Board shall determine to be within the scope and services of the State Library and in keeping with the State's library programs.

The State Library shall obtain reports from all libraries and each year report the condition, growth, development, and manner of development of such libraries and such other facts and statistics as may be of public interest, and shall include a summary thereof in its biennial report, which shall be filed with the Governor and the presiding officer of each house of the General Assembly.

SECTION 7. All library materials, furniture, equipment, supplies, materials, books, records, and other property, both real and personal, of the Arkansas Library Commission are hereby transferred to the State Library, to be preserved and used in the State Library in such manner as the Board may determine to be in the best interest of the State Library. All powers and duties heretofore vested by law in the Arkansas Library Commission, not otherwise specifically repealed by this Act or inconsistent with the provisions of this Act are hereby transferred and shall hereafter be performed by the State Library, acting under the direction and policies of the Board.

SECTION 8. (a) The Arkansas State Library shall serve as the State's regional depository library for federal documents and shall become the official depository for State and local documents. The Arkansas State Library shall create and maintain a State and Local Government Publications Clearinghouse. All State agencies, including the General Assembly and its committees, constitutional officers, and any department, division, bureau, board, commission, or agency of the State of Arkansas, and all local governments, including cities of the first and second class and incorporated towns, and counties, and all boards, commissions or agencies thereof, shall furnish to the State Library, upon release, a specified number of copies of each of its State or local publications, to enable the State Publications Clearinghouse to meet the needs of the Depository Library System and to provide library loan services to those libraries without depository status. Such distribution will be required only if sufficient funds are appropriated for the printing of these materials by the agencies, boards, and commissions, and for the distribution thereof by the Arkansas State Library to depository libraries.

For the purposes of this Act, the expression "State publication" and/or "local publication" shall include any document issued or printed by any State agency or local government which may be released for such distribution, but does not include :

- (i.) The bound volumes of the printed Acts of each of the sessions of the General Assembly of the State of Arkansas;
- (ii.) the bound volumes of the Arkansas Supreme Court Reports;
- (iii.) printed copies of the Arkansas Statutes, 1947, annotated, or pocket part supplements thereto;
- (iv.) any other printed document which may be obtained from the office of the Secretary of State upon the payment of a charge of fee therefor;
- (v.) correspondence and intraoffice or interoffice or agency communication or document which are not of vital interest to the public;
- (vi.) publications of State or local agencies intended or designed to be of limited distribution to meet the requirements of educational, cultural, scientific, professional, or similar use of a limited or restricted purpose, and which are not designed for general distribution; and similarly, other publications or printed documents which are prepared to meet the limited distribution requirements of a governmental grant or use, which are not intended for general distribution, shall also be deemed exempt from the provisions of this Act

unless funds have been provided for printing of a quantity of such publication sufficient for distribution, provided, that a depository copy of each such document noted in subsections (i.), (ii.), (iii.), and (vi.) shall be made available to the State Library.

(b) The State Library shall make rules and regulations as may be necessary to carry out the purposes of the State Publications Clearinghouse.

(c) The Arkansas State Library may enter into depository agreements with any city, county, district, regional, town, school, college, or university library in this State. The State Library shall establish standards for eligibility as a depository library under this Section. Such standards may include and take into account:

(i.) the type of library;

(ii.) its ability to preserve such publications and to make them available for public use; and

(iii.) its geographical location, in order to assure that the publications are conveniently accessible to residents in all areas of the State.

(d) Each State and local agency printing or duplicating publications of the type which are to be made available to the State Publications Clearinghouse shall, if sufficient funds are available therefor, print or duplicate fifty (50) additional copies or such lesser number as may be requested by the State Library, for deposit with the State Publications Clearinghouse of the State Library for distribution to established depository libraries or interstate library exchange. Provided, however, that if a State agency or a local governmental agency does not have sufficient funds or resources available to furnish said fifty copies to the State Publications Clearinghouse of the State Library, they shall notify the State Library and deliver to the State Publications Clearinghouse three (3) copies of each publication to be maintained in the State Library, to be indexed and made available on loan to participating libraries through the interlibrary loan services of the State Library.

(e) The State Publications Clearinghouse of the State Library shall publish, at least quarterly and more frequently if funds are available, and upon request, distribute to all State agencies and contracting depository libraries a list of State publications.

(f) Nothing in this Act shall be construed to repeal, amend, modify, or affect the status of the General Library of the University of Arkansas at Fayetteville as a depository of State, city, and county documents under the provisions of Act 170 of 1947, nor shall this Act repeal, amend, modify, or affect the powers of the General Library of the University of Arkansas at Fayetteville, or the library of each of the State supported institutions of higher learning to be a selective or partial depository of State, city, and county documents under the provisions of Act 163 of 1971. Provided, however, that the State Library is hereby authorized to enter into contracts or agreements with the General Library of the University of Arkansas at Fayetteville and the library of each of the State supported institutions of higher learning in this State to provide through the State Publications Clearinghouse any of the clearinghouse, exchange, depository or selective or partial depository duties or functions of any of said libraries, or to provide depository library services in behalf of any of said

libraries that may be mutually agreed to by the State Library and the General Library of the University of Arkansas at Fayetteville or one of the several institutions of higher learning of this State.

All powers, functions, and duties to be performed by the Secretary of State under the provisions of Act 163 of 1971 are hereby transferred to, and shall hereafter be performed by, the Arkansas State Library.

SECTION 9. Act 139 of 1935 and all laws or parts of laws specifically amendatory thereto, the same being Sections 6-301 through 6-309 of the Arkansas Statutes, are hereby repealed. All powers, functions, and duties of the Arkansas Library Commission with respect to the Interstate Library Compact as provided in Act 419 of 1967, and all contracts and agreements entered into by the State Library Commission under the provisions of the Interstate Library Compact, shall hereafter be performed by the State Library and the Arkansas State Library Board.

SECTION 10. The State Library Board created in Section 5 of Act 244 of 1927, as amended (Arkansas Statutes Section 17-1005), is hereby abolished, and all functions and duties vested in said State Library Board are hereby vested in, and shall hereafter be performed by, the State Library Board created in this Act. Nothing in this Act shall repeal, alter, or change the duties and responsibilities of the Secretary of State to maintain a library of official books, records, and documents under the provisions of Chapter 144 of the Revised Statutes of Arkansas (Arkansas Statutes Sections 5-301 through 5-311), and other laws of this State which impose specific duties upon the Secretary of State. Provided, however, that the library maintained by the Secretary of State under the provisions of said Chapter 144 of the Revised Statutes of Arkansas shall hereafter be designated as the "Library of the Secretary of State," and the Secretary of State shall be librarian thereof. Nothing in this Act shall repeal, alter or change the powers, duties and responsibilities of the Arkansas History Commission as defined by law.

SECTION 11. All laws and parts of laws in conflict with this Act are hereby repealed.

SECTION 12. This Act shall be effective on and after July 1, 1979.

APPROVED: March 21, 1979.